

### **REMARKS**

In response to the Office Action dated April 26, 2010, Applicants respectfully requests reconsideration. Claims 1-10, 14, 16, 18-23 and 25-47 were previously pending in this application. By this amendment, claims 16 and 22 have been amended. As a result, claims 1-10, 14, 16, 18-23 and 25-47 are pending for examination with claims 1, 16, 22 and 40 being independent claims. No new matter has been added.

### **Allowable Claims**

Applicants note with appreciation the indication that claims 46 and 47 recite allowable subject matter.

### **Interview Summary**

Applicants thank the Examiner for the courtesy of granting and conducting a telephone interview with the undersigned on June 30, 2010. During the interview, the outstanding office action and proposed claim amendments were discussed.

The Examiner suggested expressly stating in claim 16 that the first, second and third combinations of attributes. Claim 16 has been further amended per the Examiner's suggestion.

### **Overview of Some Embodiments**

Some embodiments relate to a computer connected to a computer network. The computer may determine the network DNA the computer network and apply the network DNA to a network DNA policy to determine how to configure the computer for the computer network (paragraph [0043]). For example, a network DNA policy may specify that system security settings be configured depending on a network species type (e.g., enterprise, home, or public network) associated with a computer network's network DNA (paragraph [0070]).

The network DNA may have one or more network DNA components whose values are determined from information collected from the computer network (paragraph [0052]). The network species type mentioned above is an example of a network DNA component (paragraph

[0052]). The network species may indicate that the computer network is, for example, an enterprise network, a home network, or a public place network depending on the information collected from the computer network (paragraph [0054]). For example, a computer network that is secure, managed and provides connectivity to an enterprise resource may be classified as an enterprise network (paragraph [0055]). As another example, an insecure, unmanaged, private network may be classified as a home network (paragraph [0056]). The network species determined for a network may be applied to a network DNA policy to determine how to configure security settings of the computer that control communication over a connection to the computer network (paragraph [0070]).

It should be appreciated that the foregoing discussion of embodiments of the invention is provided merely to assist the Examiner in appreciating various aspects of the present invention. However, not all of the description provided above necessarily applies to each of the independent claims pending in the application. Therefore, the Examiner is requested to not rely upon the foregoing summary in interpreting any of the claims or in determining whether they patentably distinguish over the prior art of record, but rather is requested to rely only upon the language of the claims themselves and the arguments specifically related thereto provided below.

#### Rejection – 35 U.S.C. §101

Claims 1-10, 14, 16, 18-21 45 and 46 are rejected under 35 U.S.C. §101. Applicants respectfully traverse the rejection. Independent claims 1 and 16 each recites “computer-storage medium.” When read in light of the specification, such as at [0023] of Pub. No. 2005/0177631, it is clear that the phrase “computer- storage medium” as used in this application does not encompass a transitory signal. Such a “computer- storage medium” is a “manufacture” and is clearly within a statutory class. Accordingly, the rejection should be withdrawn.

#### Objection to the Specification

The Office Action objects to claim 16 for reciting “first network condition is met” and similar phrases. The claim has been amended to remove the phrase: “network condition is met.” Rather, the claim now states: “combination is identified in the acquired at least one attribute of the

computer network.” This amendment is not intended to narrow the scope of the claim, but is intended to use language that aligns with the specification, including at [0055]. A similar amendment was made to claim 22.

Accordingly, the objection should be withdrawn.

Rejection – 35 U.S.C. §103

The Office Action rejects claims 1, 2, 10, 14, 16, 18-22, 27 and 40-42 are rejected under 35 U.S.C. §103 based on Ayyagari (Pub No. 2002/0176366) and Mayer (Pub No. 2002/0178246). Applicants respectfully traverse the rejection because the cited references do not meet the limitations of the claims they are asserted to teach.

*Independent Claim 1*

Claim 1 recites:

generating a value for at least one derived network DNA component according to at least one ***derived network DNA component specification***, each derived network DNA component corresponding to an attribute of the computer network, and at least one of said at least one derived network DNA component specification ***referencing at least one of said at least one network attribute*** and ***processing by which the value of the derived network DNA component is generated from the referenced at least one network attribute***;

The Office Action asserts that Ayyagari meets this limitation at [0006] because the reference describes that a computer can distinguish between *ad hoc* and infrastructure modes of operation. However, this capability does not meet the limitations of claim 1. The cited passage of Ayyagari describes no component specification that references network attributes. Further, the cited passage of Ayyagari describes no component specification that references processing by which a DNA component value is generated. Accordingly, Ayyagari does not teach all limitations for which it is cited, including the limitation highlighted above, and the rejection should be withdrawn.

The claim further recites:

execution of the network DNA policy action ***configuring network security settings of the computer that control communication over a connection to the computer network*** when the network DNA policy condition of the network DNA policy is satisfied

The Office Action asserts that this limitation is met by Mayer. However, Mayer describes a system that determines a network topology [0031] and generates a report if the topology violates a corporate network policy (Abstract). The cited passages of Mayer describe recording a violation of policy, but makes no mention of configuring network security settings. Accordingly, Mayer does not teach all limitations for which it is cited, including the limitation highlighted above, and the rejection should be withdrawn.

For at least the foregoing reasons, the rejection of claim 1 should be withdrawn.

*Independent Claim 16*

The Office Action rejects claim 16 based on Ayyagari and Mayer “substantially as applied to claim 1.” For reasons discussed above, the references do not teach what they are asserted to teach, and the rejection of claim 16 should also be withdrawn.

In addition, in connection with claim 16, the Office Action asserts that a list of an “available plurality of networks” meets limitations of the claim, as highlighted below:

***determining*** a network DNA of the computer network, the network DNA comprising the network species component, the network species component indicating a network species classification selected from among a plurality of network species classifications, the plurality of network species classifications including an enterprise network, a home network, and a public place network, the network species component ***indicating the network species is enterprise network if at least one first combination is identified in the acquired at least one attribute of the computer network***, the network species component ***indicating the network species is home network if at least one second combination is identified in the acquired at least one attribute of the computer network***, and the network species component ***indicating the network species is public place network if at least one third combination is identified in the acquired at least one attribute of the computer network***

The cited passages of Ayyagari contains no disclosure of determining network species. Even if the list of available networks includes an enterprise network, a home network and a public place network, the cited passage would not meet the limitation. The reference makes no mention that a species of the network is determined based on an acquired attribute, which would be necessary to meet the limitation of claim 16.

As understood, the rejection is premised on a portion of Ayyagari mentions a “just works” user experience, that can result in a connection being formed for different networks, including networks at home, at work or in transit. However, even if the system of Ayyagari is able to connect to different types of networks, there is no basis for an assertion that the system Ayyagari determines network species in order to make such a connection. To the contrary, Ayyagari describes selecting an appropriate network and applying various parameters defined by a user or determined programmatically [0010].

Therefore, the reference does not teach what it is asserted to teach. Accordingly, the references, even if combined, would not meet all limitations of claim 16, and the rejection should be withdrawn.

#### *Independent Claim 22*

The Office Action rejects claim 22 based on Ayyagari and Mayer “substantially as applied to claim 1.” For reasons discussed above, the references do not teach what they are asserted to teach, and the rejection of claim 22 should also be withdrawn.

#### *Independent Claim 40*

The Office Action rejects claim 40 based on Ayyagari and Mayer “under the same rationale” as claims 16 and 22. For reasons discussed above, the references do not teach what they are asserted to teach, and the rejection of claim 40 should also be withdrawn.

Moreover, claim 40 recites that “the network species classification determined as a function of, at least, a type of network security, a type of network management and a type of network addressing.” No such attributes are used in Ayyagari or Mayer to determine a species of network

“from among a plurality of network species classifications including enterprise network, home network and public place network,” as recited in claim 40.

Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered, please charge any deficiency to Deposit Account No. 23/2825.

Dated:

*July 26, 2010*

Respectfully submitted,

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